IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 18527 of 1995

Between:

Mohd. Abdul Saleem s/o. M.A. Raheem

Occu: Pump Cleaner
Jahanuma section, aliyabad
Reservoir water supply division no.1 Hyderabad

..... PETITIONER

AND

1..The Managing Director Hyderabad

Metro Water Supply & Sewerage Board
Kairatabad Hyderabad

2..The Genral Manager (Engineeriong) O&M Division No. 2 Hyderabad

Metro Water Supply&Sewerage Board.
Asmangad Hyderabad

3.. Syed Hafeez, Pump Cleaner, Aliyabad Reservoir
H.No.19-3-1028 Aliyabad Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ more particularly one in the nature of writ of mandamus declaring the action of the respondents 1and 2 in allowing the third respondent to occupy the quarter in H.no,19-3-1028, Aliyabad Emergency Quarter , Aliabad as illegal, arbitrary and consequently direct the respondents 1 and 2 to allot the quarter to the petitioner and pass.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondent No.1 & 2:Smt Venkateswari

Counsel for respondent No.3:-- None appeared

The Court made the following :

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 18527 OF 1995

ORDER:

The petitioner claims to be working as pump cleaner in the respondent Board and said to have been attending emergency services. That there are emergency quarters which are meant for senior employees working in the Aliyabad reservoir and he had made series of representations for allotment of emergency quarter and the Deputy General Manager, Aliabad Sub Division has also recommended his case vide letter dated 5-1-1995. The grievance of the petitioner is that though he is eligible and senior, the quarter was not allotted to him and the same was allotted to a junior employee/ third respondent herein. Hence, the present writ petition.

A counter affidavit on behalf of second respondent was filed denying the allegations made in the writ petition. It is stated that the Director (Personal) has instructed to allot the subject quarter to such employee whose stay in the quarter is essential and useful for maintenance of the water supply vide letter dt 17-6-1995 and taking into consideration the necessity the third respondent was allotted the quarter.

Learned standing counsel for respondent submitted that the petitioner is not attending the duties and absconding for the last so many days and that the allotment of the quarter was made considering the exigencies and necessity of work and the same cannot be found fault with.

Since, the subject quarter was allotted to the third respondent taking into consideration the exigencies of work, the same cannot be said to be illegal as the quarters are meant for allotment to personnel attending emergency services. More over, admittedly the petitioner is absconding and not attending to duties as such

there is no necessity to further probe into the matter. The writ petition fails and the same is dismissed. No costs.

_____ N.V.RAMANA,J

29-9-2004

TVK

To

1..The Managing Director Hyderabad Metro Water Supply &

Sewerage Board
Kairatabad Hyderabad

2..The Genral Maneger (Engineeriong) O&M Division No. 2 Hyd

Metro Water Supply&Sewerage Board.
Asmangad Hyderabad

3..2CD copies

*Form-NIC-OGS/WP{**KCS**}*